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ABSTRACT

Intended for parents of handicapped children, the handbook summarizes information regarding legal rights in the following areas: procedural safeguards (records, program planning, assessments), hearings, resource information, due process rights, local education agency resources, membership in the Maryland State Board of Education, state advisory committees, Maryland information and referral services, direction centers, organizations, and parental involvement in placement procedures. A brief review of pertinent federal legislation is included. Timeline charts regarding the IEP (individualized education program) process and hearing process are provided. The handbook concludes with a glossary of 28 terms, such as "FERPA" (Family Education Rights and Privacy Act) and "state hearing review board". (CL)

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Legal Rights

A Handbook For Parents

Produced By
Division Of Special Education
Maryland State Department
Of Education

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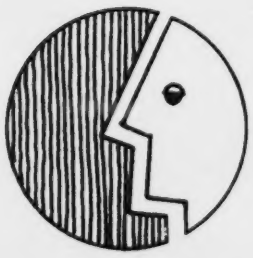
The Maryland State Department of Education does not discriminate on the basis of race, color, sex, age, national origin, religion, or handicapping condition in matters affecting employment or in providing access to programs.

This Handbook is intended to be used by you—parents of children with special needs—so that you can learn about the special education resources which are available to you by law in the State of Maryland, and so that you can understand the legal rights which you have concerning the education of your special children. The Maryland State Department of Education has made this Handbook available as a means for encouraging and supporting you in your efforts to become participants in the educational lives of your children.

Linda J. Jacobs
Assistant State Superintendent
Division of Special Education



PREFACE

As parents and educators, we share the common goal of wanting our children to live full, productive lives. Our mutual interest includes teaching our children to achieve to their full potential. We need to recognize our responsibilities as parents and educators, and we need to work together in assisting our children as they grow and develop.

Within any school system, the person who spends the most time with your children is the classroom teacher. Teachers know the steps to take to get special education services for children in need. Those same steps are available to you. The steps which you can follow are:

1. If your child is not enrolled in school yet, and you think he/she has a problem which might affect the kinds of educational services he/she receives, you can:
   - contact the principal of your local elementary school
   - contact the supervisor of special education at your county board of education
   - contact the Information Specialist at the Maryland State Department of Education (301) 383-6523. Call collect.
2. If your child is not enrolled in school yet, and you think he/she has a physical problem or health problem, you can:
   - contact your family physician
   - contact your county health department
   - contact the Information Specialist at the Maryland State Department of Education (301) 383-6523. Call collect.
3. If your child is not enrolled in school yet, and you are interested in finding out if any services or programs would be available to your child, contact your county supervisor of Special Education.
4. If your child is enrolled in school, and you think he/she has an unidentified educational problem, you can:
   - contact your child's teacher and talk with him/her about how your child performs and behaves in school
   - contact the principal of his/her school
   - contact the supervisor of special education at your county board of education
   - contact the Information Specialist at the Maryland State Department of Education (301) 383-6523. Call collect.
5. If your child is enrolled in school and is currently receiving educational services about which you have some questions, you can:
   - contact the teacher or teachers who provide services to your child
   - contact the principal of his/her school
   - contact the supervisor of special education at your county board of education
   - contact the Information Specialist at the Maryland State Department of Education (301) 383-6523. Call collect.

We all deserve the opportunity to become productive members of society, to develop our abilities and to live with dignity and self-respect. Education gives us that opportunity. However, until fairly recently, some children — especially those with handicaps — were denied that opportunity. Now there are laws which ensure that *all* children have the right to a free and appropriate public education. Some of these laws, and some of the decisions which the courts have made about educating the handicapped, are described below. Each of these legal milestones affects your children's educational lives.

Introduction

3

The Constitution of the United States

The Fourteenth Amendment to the U. S. Constitution guarantees equal protection under the law to all people. Therefore, any State in the country which provides a public education to its children must provide a public education to *all* of its children, regardless of their handicap.

The MARC Decree of 1975

In 1975, the Maryland Association for Retarded Citizens (MARC) took the State of Maryland to court for failure to provide educational programs for all retarded children. Judge Raine said in his amended decree that the State of Maryland must provide a free education to *all* persons between the ages of 5 and 20, regardless of the degree to which they are handicapped. In his decree, Judge Raine also required the State of Maryland to provide appropriate facilities and services to these handicapped persons at no cost to parents or guardians.

The Family Education Rights and Privacy Act (The Buckley Amendment)

The Family Education Rights and Privacy Act (FERPA) was passed in 1974. It provides that handicapped children and their parents have the right to know all information that is placed in a child's school record, and to challenge or correct any errors in the school record. Also, parents have the right to control the access of others to their child's school record.

The Education of All Handicapped Children Act (Public Law 94-142)

The Education of All Handicapped Children Act was passed in 1975 and became effective on October 1, 1977. It has tremendous impact on current educational practices and procedures in the State of Maryland. Parts of P.L. 94-142 will be discussed at great length later, because the law includes massive procedural safeguards for the protection of handicapped children and their parents. Basically, P.L. 94-142 mandates the provision of a free, appropriate public education to all handicapped children in the least restrictive environment. This education must meet the individual needs of children as determined through an individualized educational program.

Maryland State Bylaw (13.04.01)

The new Maryland State Bylaw was passed in January, 1978, and it describes the procedures which the State of Maryland now employs to implement the education laws of Maryland (Article 77, Annotated Code of Maryland) and to implement the federal law, P.L. 94-142. The Maryland Bylaw has more complete and specific requirements than does P.L. 94-142. This Bylaw will also be discussed more fully when Procedural Safeguards are presented. Essentially the Maryland Bylaw enhances the requirements of existing state and federal laws.

Section 504 of the Vocational Rehabilitation Act (Public Law 93-112)

The Vocational Rehabilitation Act was passed in 1973. Section 504 of that Act states that *no* handicapped person may be excluded from, denied the benefit of, or be subjected to discrimination because of his/her handicap by any program which receives federal funds. Section 504 has great impact on Maryland's educational agencies, both local and state, because they all receive federal money to assist in providing educational programs and services. If Maryland's educational agencies violate Section 504 the federal government could withhold all federal funding to the State of Maryland or any one of its 24 local education agencies.

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I. PROCEDURAL SAFEGUARDS

Public Law 94-142 and the Maryland Bylaw give parents the right to "Procedural Safeguards" and the right to "Due Process" instituted for them. These Procedural Safeguards address the following areas:

A. Records

1. Parents have the right to examine all educational records concerning their children. These records contain the following kinds of information:
   a) information about identification and evaluation of their children,
   b) information about the educational placement of their children, and
   c) other information about providing a free, appropriate public education.

2. Both the State and the Local Education Agency must maintain a list of the types and location of information collected, maintained and used, and must make this list available to parents, upon request.

3. An additional record must be kept of all personnel who have had access to the information collected. This record must include the name of the individual, the date, and the purpose for which the information was sought.

4. Any personally identifiable data, information or records collected by either the SEA or the LEA must be kept confidential.

5. Both the SEA and the LEA have the right to charge a fee for copies made of this information, providing that the charge is reasonable and does not prevent the exercise of rights by any party. No fee can be charged for search or retrieval of any information.

6. At any point, parents may request an amendment to the informational record kept on their child. The education agency must respond within a reasonable time to the request for an amendment. If the agency chooses not to make the amendment, they must inform the parents of their right to a hearing to challenge the record. If at the hearing, a decision is made to amend the record, the LEA must inform the parents in writing about that decision. If the decision is not to amend the educational record, parents still have the right to place an amending statement in the record. This statement will be maintained as though it were part of the original record.

7. All agencies must obtain written parental consent before any identifiable information is disclosed to anyone other than authorized personnel, or before that information is used for any purpose not required by law. Should there be a refusal of parental consent, the information cannot be disclosed.

8. Before any information is destroyed, a reasonable effort must be made to notify parents of their right to a copy.

9. Both the SEA and the LEA must destroy any personally identifiable data within five years after it is no longer needed. A permanent record may be maintained which can only include the following information: (a) Name (b) Address (c) Phone number (d) Grades (e) Attendance record (f) Classes attended (g) Grade level completed, and (h) the year completed.

I. Procedural Safeguards

B. **Program Planning**

1. Parents have a right to know about their children's educational program. That is, parents must be notified in writing before there are any changes or attempts to change their children's educational identification, evaluation, or educational placement. You must be notified in writing that an Admission, Review and Dismissal Committee (ARD Committee) is meeting to discuss your child. And when your child's Individualized Educational Program is developed you have a right to attend and participate in that meeting. You must be notified early enough so that you can arrange to attend, and the meeting must be held at a time and place which is convenient for you. You may bring whomever you wish to the meeting. Your notice must tell you:

   a) the purpose of the meeting
   b) the time and location of the meeting, and
   c) who will be attending.

If you can't attend the meeting and would still like to participate, the school must make other arrangements for you, such as individual or conference telephone calls, or a home visit.

2. The individualized educational program (IEP) is a written account of the educational programs and services which the school is going to implement for your child. If you agree to the individualized educational program you are required to sign the IEP. The school then must provide those services which are indicated in the IEP. If you ask for a copy of the IEP, the school is required to send you one.

3. Any information which you receive must be in your primary language or primary mode of communication (for example, sign language). The Maryland Bylaw *requires* that ARD Committee meetings and IEP meetings be held within a certain period of time, and that those programs and services identified on the IEP begin within a certain timeframe. The IEP timelines — from initiation to annual review — are included on page 9.

C. **Assessments**

Another area in which procedural safeguards must be maintained concerns the evaluation of children.

1. All children receiving special education services must have an *educational* evaluation.

2. Parents or guardians must give their *written* permission before their child receives an educational evaluation.

3. No single evaluation procedure can be the sole criteria for making program and/or placement decisions. Information from other sources must be considered, including information concerning physical condition, educational history, and adaptive behavior in home and school.

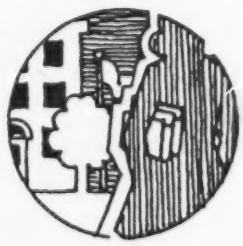
4. Assessment practices must not be racially or culturally discriminatory.

5. If the parents feel that their child has not had access to a fair assessment, the parents are entitled to obtain an independent evaluation at public expense. However, the LEA may initiate a hearing to show that its assessment is appropriate. If the final decision at the hearing is that the LEA assessment is appropriate, the parents still have the right to an independent evaluation, but not at public expense. Parents should exercise caution regarding independent evaluations because they can be *very costly* and this expense becomes the parents' responsibility if the decision at the hearing is that the LEA assessment was appropriate.

6. All rights which parents have must be available to the student when he/she reaches the age of 18.

TIMELINE FROM THE INITIAL SCREENING TO IMPLEMENTATION OF THE IEP

	Cumulative Timeline Total Calendar Days	Process Timeline	Process
	0	0	Parents request screening
	30	30 calendar days	Screening completed
	75	45 calendar days	Assessment completed
	105	30 calendar days	ARD Meeting held
	135	30 calendar days	IEP written and approved by ARD
Total time 26 weeks 3 days	177	30 school days	IEP implemented
Total time 40 weeks 5 days	261	60 school days	IEP reviewed for appropriateness
	275	10 school days	Written report to parents



Timeline Chart

II. Hearings

If for any reason parents or guardians feel that their child is not being provided a free, appropriate public education, or if there is any disagreement between the parents and the local education agency regarding identification, evaluation, or educational placement, the parents or guardians have the right to a "due process hearing."

Due process simply stated means fair procedure. Under the law, schools must use fair procedures in all matters regarding parents and students. Due process is one of the most important constitutional rights of parents and students.

For your information, a due process checklist appears on page 17 of the Resource Information Section of this Handbook. The rights specified will help you stay on top of decisions about your child. While a due process hearing is your right, remember it can be an exhausting process. Before proceeding on this route, make certain you have tried to resolve differences through every other means — by being as well-prepared and persuasive as possible with teachers, specialist and administrators. If you recognize that conflicting points of view cannot be resolved except by a due process hearing, prepare your case as thoroughly as possible. Get advice from an advocacy group or an attorney familiar with school law. Your school system must advise you of sources of free or low-cost legal aid. The following points ensure the implementation of due process procedures for everyone.

- The Maryland Bylaw states that the local hearing is to be commenced and completed as quickly as possible, and in the State of Maryland that means no later than 45 days after there is receipt of a written request for a hearing. The local hearing must be conducted at a time and place which are reasonably convenient and mutually agreed upon by the parents and child and the local education agency involved.
- Parents have the right to be notified in writing about the decision reached as a result of the local hearing. This written decision must be rendered within 5 days of the hearing and written notification of this decision must be made to the parents within an additional 5 days. If parents are still dissatisfied by the findings and decision, they may appeal this decision within 30 days to the Maryland State Department of Education which will then conduct an impartial review of the hearing within 30 days of receipt of a written appeal and will make its own independent decision.
- Should the decision by the Maryland State Hearing Review Board not be agreeable to the parents, they have the right to take civil action in the State or United States District Court (or in Baltimore City, any one of the three common Law Courts of the Supreme Bench).
- The hearing shall be impartial. That is, it must be conducted by someone not employed by the agency responsible for the child's education or care. For example, a member of the Board of Education of the county in which the child is being educated may not serve or be considered an Impartial Hearing Officer.
- Parents or guardians have the right to legal advice or counsel and to be accompanied by counsel at this Hearing. Parents may also be accompanied by individuals who have special knowledge or training with respect to the problems of their child.

Hearings II.

• Parents, either themselves or through their counsel, have the right to present evidence and to question witnesses. They also have the right to compel the attendance of any witnesses with special knowledge or training about the problems of their child.

• Both parties to the Hearing have the right to prohibit the introduction of any evidence which has not been disclosed to them at least five days prior to the hearing.

• When it seems appropriate, the child him/herself has the right to be present.

• When the parents wish, the hearing may be open to the public.

• Parents have the right to a written account of the hearing at reasonable cost. This account is called a transcript.

One question often raised is "What happens to the child while these decisions are pending?" According to the law, the child has the right to stay in the public education program where he was originally placed before any action began. If the parents or guardians of the child are applying for initial admission to a public school program, the child may be placed in that program until all the proceedings have been completed, if the parents agree to that placement. During any of these proceedings the educational program which is agreed upon must be provided at no cost to the parents. As with the IEP, Maryland Bylaw requires a certain time within which these hearing procedures must take place. These timelines are identified below.

Hearing Process Timelines

20 Days Notice
LEA Proposed Placement Action
LEA/Parents Accept
Child Is Placed
LEA/Parents Reject
45 Calendar Days
- Local Hearing Held
- Decision Written
- Written Notice Provided
LEA/Parents Accept
Decision Implemented 14-30 School Days
LEA/Parents Reject
30 Calendar Days of Decision
Appeal to SEA
SEA Sends Application
Appellant Returns Application
25 Calendar Days from Return of Application
SEA Hearing Decision Is Reached
5 Calendar Days of Decision
Hearing Decision Is Reported in Writing to MSDE
5 Calendar Days of Receiving Decision
State Superintendent Informs Both Parties in Writing

The information discussed above deals with all of the rights which are available to you to assist you in ensuring that your child — regardless of his/her handicapping condition or level of need — is provided with a free appropriate public education. Please exercise your rights responsibly so that you can become a true advocate for your child. Should you need any other assistance, please don't hesitate to call the Information Specialist at the Maryland State Department of Education. (301-383-6523, Call collect.)

The right to examine all school records concerning your child.

The right to obtain an independent evaluation.

The right to an interpretor or translator.

The right to determine whether the hearing will be closed or open to the public.

The right to advice of counsel and representation by counsel at the hearing.

The right to bring your child to the hearing.

The right to keep your child in his/her current educational placement until all due process hearing appeals have been completed.

The right to written notification about the hearing in the primary language or mode of communication of the parent.

The right to present evidence and testimony.

The right to prohibit the introduction of any evidence which has not been disclosed to parents at least five days prior to the hearing.

The right to cross-examine and challenge all testimony presented during the hearing.

The right to receive a verbatim transcript of the hearing, at reasonable cost.

The right to appeal the decision of the hearing officer or hearing panel.

PARENT DUE PROCESS CHECKLIST

III. Resource Information

The following is a listing, by county, of the Superintendents and the Supervisors or Coordinators of Special Education in Maryland's 24 local education agencies. Also included for each county are the names and telephone numbers for each county Child Find Contact Person. Child Find is a term used to describe the process of continually locating, identifying, and evaluating handicapped children. If you know of a school age or preschool age handicapped child who is not in school or receiving special education services, please contact the appropriate Child Find Person.

COUNTY		
Allegany	Dr. Wayne W. Hill, Superintendent Dr. William Niemann Supervisor of Special Education 108 Washington Street Cumberland, Maryland 21502 Phone: 722-6695	Nova Shanholtz Child Find Contact Person Phone: 722-5857
Anne Arundel	Dr. Edward Anderson, Superintendent Phone: 224-0113 & 269-1350 Dr. Jerry McSpadden Director of Special Education 2644 Riva Road Annapolis, Maryland 21401 Phone: 224-1736	Michael Hameroff Child Find Contact Person Phone: 224-1736
Baltimore City	Dr. John L. Crew, Jr , Superintendent Phone: 396-3100 Mr. Robert Rinaldi Assistant Superintendent Area of Exceptional Children Division of Special Education Calvert & 23rd Streets Baltimore, Maryland 21218 Phone: 396-7004-5	Robert T. Rinaldi Child Find Contact Person Phone: 396-7004
Baltimore County	Dr. Robert Y. Dubel, Superintendent Phone: 494-4281 Dr. Gloria Engnoth Coordinator of Special Education 6901 North Charles Street Towson, Maryland 21204 Phone: 494-4221	Don Rascoe Child Find Contact Person Phone: 494-4117
Calvert	Mr. Ralph E. Wachter, Superintendent Mrs. Ruth Reid Supervisor of Special Education Dares Beach Road Prince Frederick, Maryland 20678 Phone: 535-1700	Nancy Beers Child Find Contact Person Phone: 535-1700

COUNTY		
Caroline	Mr. Wilbur S. Hoopengardner, Superintendent Mr. Donald Parks Supervisor of Special Education Law Building Market Street Denton, Maryland 21629 Phone: 479-1460	Donald Parks Child Find Contact Person Phone: 479-1460
Carroll	Dr. Olin L. Adams, Jr., Superintendent Mrs. Jewell Maxolin Supervisor of Special Education County Office Building Court Street Westminster, Maryland 21157 Phone: 876-2208	Jeannette Cunningham Child Find Contact Person Phone: 876-2208
Cecil	Mr. George L. Barrick, Superintendent Mr. Harold Phillips Supervisor of Special Education Booth Street Center Elkton, Maryland 21921 Phone: 378-0400	Laura McLewin Child Find Contact Person Phone: 398-0400
Charles	Mr. Jesse L. Starkey, Superintendent Phone: 934-4671 Mrs. Katherine Blix Supervisor of Special Education Health Education Building La Plata, Maryland 20646 Phone: 743-5456	Katherine Blix Child Find Contact Person Phone: 743-5456
Dorchester	Mr. John T. Comer, Superintendent Mr. Ray Bryant Supervisor of Special Education 403 High Street Cambridge, Maryland 21613 Phone: 228-4747	Ray Bryant Child Find Contact Person Phone: 228-0644
Frederick	Dr. Gordon M. Anderson, Superintendent Mr. Michael Small Supervisor of Special Education 115 E. Church Street Frederick, Maryland 21701 Phone: 662-9200	Betty Kramer Child Find Contact Person Phone: 669-9200
Garrett	Dr. William H. Buser, Superintendent Mrs. Sarah Wilson Supervisor of Special Education 40 South Fourth Street P. O. Box 73 Oakland, Maryland 21550 Phone: 334-8121	Cheryl Gnegy Child Find Contact Person Phone: 334-8121

COUNTY		
Harford	Dr. A. A. Roberty, Superintendent Phone: 979-260C Mrs. Gertrude Rich Supervisor of Special Education 45 East Gordon Street Bel Air, Maryland 21014 Phone: 838-7300	James Hargest Child Find Contact Person Phone: 838-7300
Howard	Dr. M. Thomas Goedeke, Superintendent Dr. Martha Sullivan Director of Special Education 8045 Route #32 Columbia, Maryland 21044 Phone: 531-5744	Mary Corini Child Find Contact Person Phone: 331-5744
Kent	Dr. Richard L. Holler, Superintendent Mr. Joseph Duell Supervisor of Special Education Washington Avenue Chestertown, Maryland 21620 Phone: 778-1595 or 758-0724	Constance Adams Child Find Contact Person Phone: 778-1595
Montgomery	Dr. Charles M. Bernardo, Superintendent Phone: 279-3000 Associate Superintendent of Continuum Education 850 Hungerford Drive Rockville, Maryland 20850 Phone: 279-3604	Anna Queisser Child Find Contact Person Phone: 762-8335
Prince George's	Dr. Edward J. Feeney, Superintendent Phone: 952-4350 Mr. Robert Coombs Director of Special Education Upper Marlboro, Maryland 20870 Phone: 952-4360	June Gallagher Child Find Contact Person Phone: 262-6122
Queen Anne's	Mr. John H. Webb, Superintendent Phone: 758-0855 Mrs. Lucy Bartenfelder Supervisor of Special Education Centreville, Maryland 21617 Phone: 758-0724	Lucy Bartenfelder Child Find Contact Person Phone: 758-0724
St. Mary's	Mr. Marvin Joy, Superintendent Phone: 475-8971 Mr. Joshua Potter Supervisor of Special Education P. O. Box 343 Leonardtown, Maryland 20650 Phone: 475-5511	Hester Swales Child Find Contact Person Phone: 475-2524

COUNTY		
Somerset	Dr. Eugene M. Karol, Superintendent Mr. William Gore Supervisor of Special Education Prince William Street Princess Anne, Maryland 21853 Phone: 651-1616	Peggy Ashford Child Find Contact Person Phone: 651-1616
Talbot	Mr. Norman J. Moore, Superintendent Mr. Fred Distler Director of Instruction P. O. Box 1029 Washington Street Easton, Maryland 21601 Phone: 822-0330	Fred Distler Child Find Contact Person Phone: 822-0330 (Hotline: 822-8888)
Washington	Dr. Claud E. Kitchens, Superintendent Supervisor of Special Education Commonwealth Avenue Hagerstown, Maryland 21740 Phone: 791-4000	Clara Roane Child Find Contact Person Phone: 791-4378
Wicomico	Mr. Harold A. Fulton, Superintendent Dr. W. James Carney Supervisor of Special Education Long Avenue Salisbury, Maryland 21801 Phone: 742-5128	Pat Sewell Child Find Contact Person Phone: 742-5128
Worcester	Dr. Frank Ruffo, Superintendent Mr. Glen Hammerbacher Supervisor of Special Education 107 East Market Street Snow Hill, Maryland 21863 Phone: 632-2582	Debbie Pusey Child Find Contact Person Phone: 632-2528

The following is a list of the members of the State Board of Education. All correspondence addressed to the Board should be sent to P.O. Box 8717, BWI Airport, Baltimore, Maryland 21240:

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David W. Hornbeck, Secretary-Treasurer of the Board
Superintendent of Schools

Joseph L. Shilling, Deputy Superintendent of Schools

State Advisory Committees - An additional resource to be considered is the Maryland State Department of Education, Division of Special Education's Advisory Committee. Committee membership includes six persons on each of six satellite committees. Committee interests cover the following areas: (1) Teacher/Related Services (2) Local Education Agencies (3) Nonpublic Schools (4) State-Owned or Operated Schools (5) Institutions of Higher Education (6) Consumer. Two members from each committee are appointed to the main state advisory panel. For further information, please contact William J. Coviello, Branch Chief, Liaison Branch, Maryland State Department of Education, Division of Special Education, 796-8300, extension 256.

Maryland Information and Referral Service for the Handicapped - A resource provided by the Maryland State Department of Education, Division of Special Education, to respond to questions or concerns from any handicapped individuals or their families. This includes, but is not limited to, information regarding camps, tutorial services, due process rights, private school placement, and after school and recreational activities. The Information and Referral Service is for all ages and all types of handicaps. For further information, please contact Ms. Marjorie Shulbank, Information Specialist, at 383-6523 (call collect if outside Baltimore-Metropolitan area).

State Education Agency Resources

Direction Centers Service

A resource designed to provide information and support to the handicapped and their parents or guardians concerning the availability and access to any services they may require. The two Direction Centers are:

Central Maryland - Serves Prince George's, Montgomery, St. Mary's, Charles and Calvert Counties

Contact: Ms. Gail Nachman or Ms. Penny Smith
County Administration Building
Upper Marlboro, Maryland 20820
Phone: 952-4860

Western Maryland - Serves Garrett, Allegany, Washington and Frederick Counties

Contact: Mr. Alex Weinstein or Ms. Mary Kay August
Frostburg State College
Frostburg, Maryland 21532
Phone: 689-8879

MSDE Coordinator - Lucy Hession
Maryland State Department of Education
P.O. Box 8717, BWI Airport
Baltimore, Maryland 21240
Phone: 796-8300, extension 339

Organizations

Maryland Advocacy Unit for the Developmentally Disabled (MAUDD) - A resource charged with directly advocating for the rights of handicapped persons. Call or write:

John Parry, Director
2616 Maryland Avenue
Baltimore, Maryland 21218
Phone: 383-3094, 3095

State Office for Coordination of Services to the Handicapped - Not a direct service provider, but charged with coordinating all services to the handicapped throughout the state. Call or write:

Richard Dunne or Charlene Schneberger
Old Armory Building
11 Bladen Street
Annapolis, Maryland 21401
Baltimore-Metropolitan area - Phone: 269-2908
Washington-Metropolitan area - Phone: 261-2525, ext. 2908
TTY - 269-2909

The Maryland Bylaw requires extensive parental involvement. The following steps detail the nine points between initial identification and actual placement at which parental involvement is required.

Child is identified through routine screening as having a reasonable likelihood of needing special education services.

Step 1 - Written parental permission is secured before assessment.

Step 2 - Parents or guardians are informed in writing of the assessment results and of the possibility of the need for special education services.

Step 3 - Parents are informed of their right to participate in the functions of the Admission, Review and Dismissal Committee.

Step 4 - Parents are required to be invited to participate in the development of the Individual Education Program (IEP).

The IEP includes:

- a statement of present level of functioning
- a statement of annual goals, including short and long-term goals
- a statement of specific special education and related services to be provided and the extent to which the child will participate in general education
- projected date for initiation of each service and expected duration
- objective criteria for evaluation of effectiveness of the IEP
- statement concerning any special transportation needs

Step 5 - Written parental approval of the IEP is required

Step 6 - Written parental permission is obtained for placement and reporting of placement to Maryland State Department of Education (MSDE)

The IEP must be implemented within 30 school calendar days

Step 7 - The appropriateness of the IEP must be reviewed within 60 school calendar days of its initiation

Parents shall be informed of the results of the review

Step 8 - Written consent of the parents must be secured for any change from original IEP as a result of the 60 day review

Step 9 - A review of the IEP must occur annually thereafter and a written summary must be reported to parents

Parental Involvement In Placement Procedures

GLOSSARY OF TERMS

1. AMENDED RAINE DECREE - Judicial decision which required the State to provide special education to school-age handicapped children 5-20 (preceded P.L. 94-142).

2. ARCHITECTURAL BARRIERS - Those structural and physical obstructions which, merely by existing, exclude or discriminate against handicapped people, i.e., steps, curbs, narrow doorways, inaccessible and/or unequipped bathrooms, elevators, phone booths, etc.

3. ARD COMMITTEE - Admission, Review and Dismissal Committee (required by State, not Federal Law) maintained by the LEA and comprised of individuals familiar with the child's current level of functioning (i.e., direct services deliverers, health department personnel, and a special educator). The ARD Committee refers for placement and reviews the individual educational program of every handicapped child on a yearly basis.

4. ASSESSMENT - Extensive procedure given to all children who have been identified through screening as potentially in need of special education programs. It shall consist of reading, math, spelling, written and oral language, and perceptual motor functioning, as appropriate. Cognitive, emotional, and physical factors shall also be assessed, as appropriate. Each assessment report shall also include a description of the child's behaviors which establishes the existence of a handicapping condition; a statement which describes, in terms of special education services needed, the child's performance as it deviates from developmental milestones and/or general education objectives; a statement of criteria used to establish the deviation of the child's behaviors; and the signature of t assessor.

5. DUE PROCESS - A right to have any law applied reasonably and with sufficient safeguards, such as hearings and notice to ensure that an individual is dealt with fairly. A Due Process Hearing is held when there is disagreement between the parent and the educational agency (either local or state) as to the identification, evaluation and/or placement of a handicapped child into a special education program. Parents have the right to present evidence, require the attendance of, and cross examine witnesses, and obtain independent assessments which must be considered.

6. EARLY IDENTIFICATION - Programs provided by LEAs for the preschool age child who may be in need of special education services.

7. EVALUATION - An additional review of the child's program which occurs at least annually and is conducted to determine: (1) whether the child has achieved the goals set forth in his IEP, (2) whether the child has met the criteria which would indicate readiness to enter into a less restrictive/intensive special education program and, (3) whether the program the child is in should be specifically modified so as to make it more suitable.

8. FAPE - Free Appropriate Public Education - the Federal phrase which describes the education to which handicapped children are entitled.

9. FERPA - Family Education Rights and Privacy Act - also known as the Buckley Amendment permits parents to examine and copy (at reasonable cost) any and all material in the child's permanent record.

10. HANDICAPPED CHILDREN - Those children who have been determined through appropriate assessment as having temporary or long-term special education needs arising from cognitive, emotional or physical factors or any combination of factors. Their ability to meet general educational objectives is impaired to such a degree that services in the general education program are inadequate in preparing them to achieve their educational potential.

11. IEP - Individualized Education Program - A written comprehensive outline for total special education services which describes the special education needs of the child and the services to be provided to meet those needs. It is developed in a collaborative meeting with LEA representatives, parents, teachers, the student, when appropriate, and all other persons having direct responsibilities for the implementation of the IEP. The IEP must be developed before placement, approved by the ARD Committee, signed by the parent, and implemented within 30 calendar days after development.

12. IHO - Impartial Hearing Officer - Person who is knowledgeable in the fields and areas significant to the review of the child's education. Three IHOs preside at each state level hearing (It can be one person at local level hearing). No person may serve as an IHO who is a member of the local school board or an employee of an agency involved in the education or care of the child, or a full-time employee of the SEA or a member of the State Board of Education. An IHO may not serve as a member of a hearing review board who has participated in the previous assessment, evaluation, provision of educational services, or in the decision process to deny services made of the LEA, or who has an interest conflicting with objectivity. All IHOs in Maryland's State Level Hearings have completed a comprehensive training program.

13. LEA - Local Education Agency, also known as the LSS (Local School System), there are 24 in Maryland (the 23 counties and Baltimore City). The LEA is responsible for providing the actual education children receive.

14. LRE - Least Restrictive Environment - The educational setting that is considered educationally appropriate, to the maximum extent possible with nonhandicapped children.

15. MARYLAND STATE BYLAW - Also known as Bylaw 13.04.01, rules and regulations for administering programs for handicapped children which were proposed by the Maryland State Department of Education and adopted by the Maryland State Board of Education. They have the effect of the law.

16. MSDE - Maryland State Department of Education, also known as the SEA (State Education Agency), the State system which administers all education programs in Maryland and supervises the implementation of state and federal legislation.

17. NONPUBLIC SCHOOL - Approved private special education facility in which a child is placed when it is shown that an appropriate program of special education and related services for the child is not available in the local education agency or available free of charge in an appropriate state-operated program. These schools may be day or residential, and in- or out-of-state.

18. NONPUBLIC TUITION ASSISTANCE - In cases where the LEA determines that it cannot provide the program needed by a given handicapped child, the LEA applies to the State for approval of (1) a specific placement, (2) funding of per pupil costs, (3) the program itself, and (4) the need of the child for the program.

19. PARENT SURROGATE - A person who represents the child as his/her legal representative in the educational decision-making process when the child's own parents are unknown or unavailable.

20. P.L. 94-142 - Public Law 94-142 - Federal Legislation also known as the Education of All Handicapped Children Act - A law governing provisions which are designed (1) to assure that all handicapped children have available to them a free, appropriate public education, (2) to assure that the rights of handicapped children and their parents are protected, (3) to assist States and localities to provide for the education of handicapped children, and (4) to assess and assure the effectiveness of efforts to educate such children. The regulations also include the rules for counting and reporting handicapped children.

21. PROCEDURAL SAFEGUARDS - Those state and federal rights guaranteed to a handicapped child and his/her parents relative to the acquisition of a FAPE. These include, but are not limited to, the right to see and copy records, the right to prior notice regarding a proposed program change, and the right to a due process hearing. (For additional "rights" see Checklist.)

22. RELATED EDUCATIONAL SERVICES - (1) Transportation and (2) Developmental, corrective and other supportive services that are required to assist a handicapped child in benefiting from education. These include speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities, counseling services, school health services, social work services in schools, parent counseling and training, and medical services for diagnostic or evaluation purposes.

23. SCREENING - Initial procedure for identifying problems which impede learning and which is provided to all kindergarten children and to those children who later on may be evidencing educational difficulties. Screenings shall include, but not be limited to: developmental information, previous assessments, visual, auditory and motor functioning, and expressive and receptive language ability. Screening will be done in the child's primary language, if other than English.

24. SEA - State Education Agency - In Maryland, this is the Maryland State Department of Education.

25. SECTION 504 - of the Rehabilitation Act of 1973 Public Law 93-112 - Nondiscrimination on the basis of handicap - Federal rules and regulations which prohibit discrimination against handicapped persons by any agency or organization which is assisted by Federal funds. The regulations call for: (1) A free appropriate education for all handicapped children, regardless of the nature or severity of the handicap, (2) positive employment and job opportunities, (3) the elimination of architectural barriers - physical access, (4) adaptive education at the college and post-secondary level (i.e., interpreters for the deaf, braille materials and readers for students with visual handicaps, specially adapted equipment, curriculum modifications, and (5) equal treatment of the handicapped by health, welfare and social service agencies. These regulations apply to states, counties, cities, public and private schools, colleges, universities, hospitals, clinics and numerous other recipients of HEW funds which provide programs and services.

26. SERVICE LEVELS - Service levels are described by the revised Special Education Bylaw (1978). The levels are I through VI and represent a continuum of increasingly more extensive and intensive special education services. Specifics are presented in the Bylaw, Section 13.04.01.06.

27. SPECIAL EDUCATION - Instruction provided at no cost to the parent, specifically designed to meet the unique needs of a handicapped child. This includes instruction provided in the classroom, in physical education, in the home and in hospitals, or institutions. It also includes vocational education, provided it is specifically designed to meet a handicapped child's unique needs, and is at no cost to the parent.

28. STATE HEARING REVIEW BOARD - Panel of at least three IHOs who examine the entire record, ensure that local level procedures were consistent with due process requirements, seek additional evidence, if necessary, and have the authority to confirm, modify, reject or prescribe alternate special education programs. The Hearing Review Board has the authority to require a complete and independent assessment, evaluation, and determination of educational programs by qualified persons, cost to be paid by the State Board of Education. A decision must be rendered by a majority of the Hearing Review Board. The decision shall specifically enumerate the findings and conclusions of the Hearing Review Board. The decision shall be in writing and signed by all IHOs.